IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 505 OF 2004.

Uttam Bhimram Jadhav .. Applicant
V/s
Ghanshyam Laxman Salunkhe
And others .. Respondents.

Shri S.P. Thorat for the applicant.

Shri S.P.Kadam for respondent Nos. 1 and 2
Shri Anilkumar R. Joshi for respondent Nos. 3 and 6.
Shri S.D. Dharmadhikar for respondent No.4.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 15TH SEPTEMBER, 2006.

P.C.

. The Courts below have concurrently found that the petitioner-original complainant had instituted a complaint particularly, raising grievance with regard to the decision of the authorities in auctioning a Government forfeited agricultural land. The grievance is that the agricultural land, portion of which was purchased by both the petitioner and the first respondent was sold by the vendor without seeking permission of the authorities stipulated under Section 43 of Bombay Tenancy and Agricultural Lands Act, 1948. In such circumstances, the proceedings came to be initiated for forfeiture and repossession of the lands.

After the forfeiture and repossession, the land was auctioned and in auction the first respondent purchased the same. The grievance is that the land was sold at a throw away price. In fact, the meagre sum of Rs.100/- has been paid by the auction purchaser.

2. Admittedly, the criminal proceedings could not have been commenced with such grievance. Moreso, when the petitioner had raised this issue before the authorities under the Tenancy Act and the proceedings in that behalf are pending. Thus, the complaint prima facie did not disclose commission of any offence, much less the offence alleged.

3. These are matters governed by the Tenancy Act and the petitioner has adequate remedies thereunder.

4. The conclusion of the Courts below does not suffer from any error nor perversity so as to call for interference in discretionary and extra ordinary jurisdiction of this Court under Article 227 of the Constitution of India.

. Petition is dismissed.

(S.C.DHARMADHIKAR, J.)